

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Insurance - Administration
 Room no.: 3110
 Building: STATE OFFICE BLDG
 Street address 1: 450 N MAIN ST
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84114-1201
 Mailing address 1: PO BOX 146901
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 38857 Date filed: 09/11/2014 11:09 AM
 State Admin Rule Filing Key: 155621
 Utah Admin. Code ref. (R no.): R 590 - 176 -
 Changed to Admin. Code ref. (R no.): --

Title

2. Title of rule or section (catchline):
 Health Benefit Plan Enrollment.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The changes to this rule are being made to comply with the Affordable Care Act (ACA), PHSA 2702, guaranteed Availability of Coverage, and PHSA 2705, Prohibited Discrimination Against Individual Participants Beneficiaries Based on Health Status.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
No

Rule Summary

6. Summary of the rule or change:

Changes to this rule are being made because the federal government now requires all individual and small group health benefit plans to guarantee coverage to all enrollees with no enrollment caps and have no underwriting criteria that must be met by enrollees before being covered. The definition of "Carrier" is being eliminated since it is already defined in Title 31A. These changes reflect changes already implemented by health insurers marketing health benefit plans.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The changes to this rule will have no fiscal impact on the department or state budgets. There are no filing requirements that will increase revenues nor a change in the workload that will result in a change in department personnel.

B) Local government:

Affected: No

The changes to this rule will have no impact on local governments. The changes deal solely with the relationship between the department and their health insurance licensees.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

Rule language is being removed because the ACA law provides consumer protections in applying for health coverage.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Rule language is being removed because the ACA law provides consumer protections in applying for health coverage.

Compliance Cost Information

8. Compliance costs for affected persons:

Insurers providing health benefit plans in Utah have been required to provide individual and small groups with health benefit plans that guaranteed coverage to all enrollees with no enrollment caps and no underwriting criteria to be met by enrollees before being covered. These coverage requirements are now being extended by the federal government. As far as Utah is concerned, the transfer of these requirements from state law to federal will create no fiscal impact on insurers, small businesses or individuals.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
The changes being made to this rule should have no fiscal impact on businesses. The federal government has just carried on with the same requirements that were already in our law.
- B) Name and title of department head commenting on the fiscal impacts:
Todd E. Kiser, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
31A-2-202(2)

31A-2-201(3)

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):
 Publisher:
 Date Issued:
 Issue, or version:
 ISBN Number:
 ISSN Number:
 Cost of Incorporated Reference:
 Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/31/2014

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 11/07/2014

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above,

the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
health insurance

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Todd Kiser
Commissioner

Date 09/11/2014
(mm/dd/yyyy):